



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

**Information received from North Macedonia on follow-up
to the concluding observations on its sixth periodic report***

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* The present document is being issued without formal editing.



Obligation to provide additional information

1. Pursuant to paragraph 53 of the Concluding Observations adopted by the Committee on the Elimination of Discrimination against Women, upon the Interactive Dialogue with the Republic of North Macedonia based on the Sixth Periodic Country Report (CEDAW/C/MKD/6), please find enclosed written information on the measures taken in order to implement the recommendations contained in paragraphs 12 (a) and 16 (a), (b), and (c).

Follow-up information relating to paragraph 12 (a) of the concluding observations (CEDAW/C/MKD/CO/6)

2. In May 2019, the Assembly of the Republic of North Macedonia adopted a new Law on Prevention and Protection against Discrimination and published it in the Official Gazette. The law explicitly defines the basis of sex, sexual orientation, and gender identity as grounds for discrimination that are prohibited and for which a procedure for prevention and protection is provided. The purpose of this law is to ensure the principle of equality and to prevent and protect against discrimination in the exercise of human rights and freedoms. This law regulates the prevention and prohibition of discrimination, forms, and types of discrimination, procedures for protection against discrimination as well as the composition and work of the Commission for Prevention and Protection against Discrimination. The law is harmonized with international human rights standards and EU directives on equality and non-discrimination. The law applies equally to all individuals and legal entities without individual separation of groups. This legal solution provides prevention and equal access to mechanisms for protection against discrimination for all citizens. The basis for the adoption of this law is exactly the Constitution of the Republic of North Macedonia, which determines the fundamental freedoms and rights of man and citizen. The new text of the law is expected to provide more effective protection against discrimination in the implementation of the law. The new text of the law expands the grounds for discrimination, changes and better defines the concept and the definition of discrimination by supplementing the definitions of multiple and intersectional discrimination, professionalizes the Commission for Protection against Discrimination, and changes the name and competence of the Commission to the Commission for Prevention and Protection against Discrimination, which then will have to work on prevention in addition to protection as such. The competencies of the commission, the manner of election, and the conditions for election of commission members are further regulated. A provision is introduced for the use of new evidence in court proceedings and *actio popularis*. Exemption from court costs is also envisaged in court proceedings.

3. The text of the Law on Prevention and Protection against Discrimination has received positive opinions from the Venice Commission, the United Nations, the EU and the OSCE-ODIHR, which emphasize that the Republic of North Macedonia with this new legal solution takes a significant step in the fight against all forms of discrimination, respecting and including EU legislation and international human rights standards.

4. Unfortunately, the Constitutional Court at its 14th session held on May 14, 2020, decided to repeal the Law on Prevention and Protection against Discrimination. This decision of the Constitutional Court comes upon the initiative of the previous composition of the Commission for Protection against Discrimination to assess the constitutionality and legality of the Law, which stated that the disputed law was adopted contrary to Art. 75 of the Constitution of the Republic of North Macedonia; in other words, the necessary parliamentary majority was not secured during the re-enactment of the Law.

5. However, the system of protection against discrimination is not completely abolished with the repeal of this law because the prohibition of discrimination arises from the highest legal act, the Constitution of the Republic of North Macedonia, which guarantees equality of all citizens and prohibits discrimination as such. The legal framework for non-discrimination and equality, in addition to the Constitution, is contained in several other legal acts as well as in ratified international treaties. At the same time, the Ombudsman remains a mechanism for protection against discrimination for citizens.

6. Following the parliamentary elections held in July 2020 in the Republic of North Macedonia and the formation of the Government and the Assembly, upon the proposal of the Ministry of Labour and Social Policy, the Government of the Republic of North Macedonia in September 2020 endorsed the draft text of the Law on Prevention and Protection against Discrimination and it has been sent to the Assembly for reading and final adoption in September 2020.

Follow-up information relating to paragraphs 16 (a), (b) and (c) of the concluding observations

7. In January 2020, the Ministry of Labour and Social Policy, in cooperation with the OSCE Mission to Skopje, began drafting a new text of the Law on Equal Opportunities for Women and Men in accordance with previously prepared analyses on the implementation of the law at national and local level in December 2019, and in accordance with the recommendations of CEDAW. For that purpose, a working group was formed, from relevant institutions, citizens' associations and experts, which works on the preparation of the draft text of the law. The new draft text of the law envisages promotion and strengthening of gender mechanisms and raising the level of responsibility and decision-making for creating gender-responsive policies and providing equal opportunities for all, including promoting and upgrading the status of the Equal Opportunities Department. The deadline for adoption of this law by the Assembly is set for 2021.

8. According to the existing legislation, after the local elections in 2017, at the level of local self-government in all municipalities, commissions for equal opportunities for women and men have been established. With their formation, continuous work is being done to strengthen the capacities of the members of these commissions on the issue of equal opportunities for women and men. From the analysis conducted by independent experts on the legal provisions, it can be concluded that these bodies have sufficient legal powers to impact on achieving the goal of the Law on Equal Opportunities for Women and Men.

9. However, their role should be also considered in the context of the general challenges related to the realization of the role and the influence that the municipal councils have on the work of the local self-government units. This issue will also be regulated in the new draft text of the Law on Equal Opportunities for Women and Men, which will consider the possibility of strengthening the functioning of this gender mechanism.